

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.76 OF 2005
IN
WRIT PETITION NO.8524 OF 2004

Borase Ravindra Sukhdev ...Petitioner

Versus

Mukund Baburao Chauhan & Ors. ...Respondents

.....

Mr.M.S.Lagu for Petitioner.

None for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 23, 2006.

P.C.

1. Heard Counsel for the Petitioner.

2. According to the Petitioner, the Division Bench dismissed the Writ Petition preferred by the Petitioner solely because of the assurance given on behalf of the Respondents in Paragraph 7 of the reply affidavit dated 25th October 2004.

3. Prima facie, it is not possible to proceed on that assumption. For, the reply affidavit was filed to oppose the Writ Petition on merits. My reading of Para 7 is that it is the alternative submission on behalf of the Respondents. Besides, what reason weighed with the Division Bench to dismiss the Writ Petition filed by the Petitioner cannot be discerned from the order which is placed before me.

4. In the circumstances, it is not possible for this Court to even arrive at prima facie view against the Respondents. While disposing of this Petition, therefore, it is observed that it will be open to the Petitioner to take recourse to such other remedy as may be permissible by law.

A.M.KHANWILKAR, J.